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## Region 2 News Clips

Onondaga County faces \$500 million sewer bill to save creeks, jobs (SYRACUSE.COM; February 18, 2019)

There's a \$500 million repair bill coming due, to fix the sewers in Onondaga County. Our economic future may depend on it. Without a more sturdy sewer system, the county will fail to attract industry and jobs, County Executive Ryan McMahon said.

LI Residents Could Get Stuck With Big Bills To Pay For Drinking Water Cleanup (CBS NY; February 18, 2019)

\$840 million. That's how much it could cost to clean up contaminated drinking wells on Long Island and water providers there are warning residents – their water bills could double because of it.

Blair Horner: Quality Drinking Water Must Top Albany's Agenda (WAMC; February 18, 2019)

Voting reforms, civil justice changes, expansion of reproductive rights, state financial shortfalls, economic development strategies, all have dominated the recent discussions over the coming year's New York budget. Yet one important issue has received too little attention: protecting New York's drinking water supplies.

State releases new large animal farm pollution permits (GLENS FALLS POST STAR; February 15, 2019)

The state Department of Environmental Conservation has released a new pollution permit for large animal farms that discharge into waters of the state.

EPA lays out plan to regulate PFOA in drinking water — eventually (ALBANY TIMES UNION; February 14, 2019)

An action plan unveiled by federal officials on Thursday offered a murky timeline for setting national limits on PFOA in drinking water.

EPA plan stops short of regulating toxic chemical, promises decision later (NORTH JERSEY RECORD, February 14, 2019)

The Environmental Protection Agency released a plan on Thursday to deal with a class of toxic chemicals found in 98 percent of Americans' blood, but offered no guarantee the agency will enact enforceable drinking water regulations for the two best-studied compounds.

Lawmakers Want Inventory of Lead Service Lines in Public Water Systems (NJ SPOTLIGHT; February 15, 2019)

Issue is a 'very top priority' for municipalities but they say they will need financial help to do the work

PSEG: We're Not Bluffing About Shutting Down Nuke Plants (NJ SPOTLIGHT; February 15, 2019)

To bolster argument for subsidies paid by power customers, company says it would begin taking its three plants offline this fall if it doesn't win its case

You may soon have to pay a fee for plastic bags in Ridgewood (NORTH JERSEY RECORD; February 14, 2019)

Responding to a proposal from an environmental volunteer group, the Village Council is considering a ban on single-use plastic shopping bags.

Proposed Meadowlands power plant would be NJ's biggest greenhouse gas polluter (NORTH JERSEY RECORD; February 15, 2019)

A controversial, natural gas-fired power plant proposed for the Meadowlands would emit more carbon dioxide and other greenhouse gases than any existing power plant in New Jersey, according to a review of federal data.

Natural gas applications more than double as public service fields complaints, concerns (WESTCHESTER JOURNAL NEWS; February 14, 2019)

New apartment buildings as well as new natural gas customers who've abandoned oil have been pushing the natural gas demand close to the capacity of the current supplies, said ConEd.

## National News

### Acting Administrator:

EPA chief knocks Green New Deal: "Not really ready for prime time"

E&E News: McConnell sets up Wheeler vote

### Chemicals:

National Law Review: EPA Unveils PFAS Action Plan

### Air:

E&E News: Climate change lurks in background of humanitarian crisis

### Drinking Water:

USA News Hub: EPA plan to rid drinking water from toxic chemicals sparks divisions in Washington

### Climate:

E&E News: Dem leaders fundraise, and profit, from fossil fuel industry

E&E News: Bills target warming's health impacts, carbon removal

NY Times: Skipping School to Save the Earth

The Hill: We can have a green new deal, and travel too

### Environmental Justice:

E&E News: Democrats see need for environmental justice bill

The Hill: Court dismisses Dakota Access company's lawsuit against greens

### Fuels:

Ag Daily: New study reaffirms the environmental benefits of biofuels

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## Region 2 News

SYRACUSE.COM

### Onondaga County faces \$500 million sewer bill to save creeks, jobs

By Glenn Coin and Tim Knauss

February 18, 2019

There's a \$500 million repair bill coming due, to fix the sewers in Onondaga County.

Our economic future may depend on it. Without a more sturdy sewer system, the county will fail to attract industry and jobs, County Executive Ryan McMahon said.

Repairs are necessary to stop millions of gallons of raw sewage from spilling into local creeks and Onondaga Lake. Environmental regulators are threatening big fines unless the county takes action.

McMahon will unveil a plan next week for how to pay for that. Sewer bills will go up over time, but McMahon said he is confident that residents will not face shocking increases.

Sewers are easy to ignore. They're 10 to 40 feet below ground. But many are now a century old and crumbling.

#### **2,100 miles of sewers**

End to end, the 2,100 miles of sewers in Onondaga County would stretch from Syracuse to Yellowstone National Park. But the portion owned by the county would not even reach as far as Cleveland.

Almost 90 percent of the pipes are owned by the city of Syracuse and 20 towns and villages.

At his Feb. 26 State of the County address, McMahon will propose consolidating the sewers under county control as the most efficient and cost-effective way to undertake repairs.

Onondaga County has already spent nearly \$700 million on its infrastructure to keep sewage out of Onondaga Lake, under court order. Now the focus is on hundreds of miles of leaky sewers that feed the county system from local neighborhoods.



## **Limestone Creek in the town of Manlius gets overflows from the Meadowbrook-Limestone Wastewater Treatment Plant.**

The patchwork ownership of sewers is one reason the system has been allowed to decay. Local municipalities often don't have much cash or much incentive to fix leaks.

But leaks in any part of the system eventually add to overflows at the county's six sewage treatment plants. As the permit holder, the county is responsible for regulatory violations.

There are so many leaks – allowing so much rain water and groundwater to flood into sewers – that Onondaga County wastes \$20 million a year just to treat clean water at its sewage plants.

Worse, when storms flood the pipes and treatment facilities, much of the sewage spills into streams or Onondaga Lake without getting cleaned up.

Even worse, choked sewers sometimes send sewage back into the basements of buildings.

The city of Syracuse alone logged more than 4,000 sewer backups at private properties in 2018. Many were caused by blockages in homeowners' facilities, but others stemmed from flooded city mains.



**This sewer backup happened in 2015 in Eastwood.**

There's no hard estimate of costs, but it will likely take several hundred million dollars to rehabilitate the entire sewer system, said Matthew Marko, regional director of the state Department of Environmental Conservation.

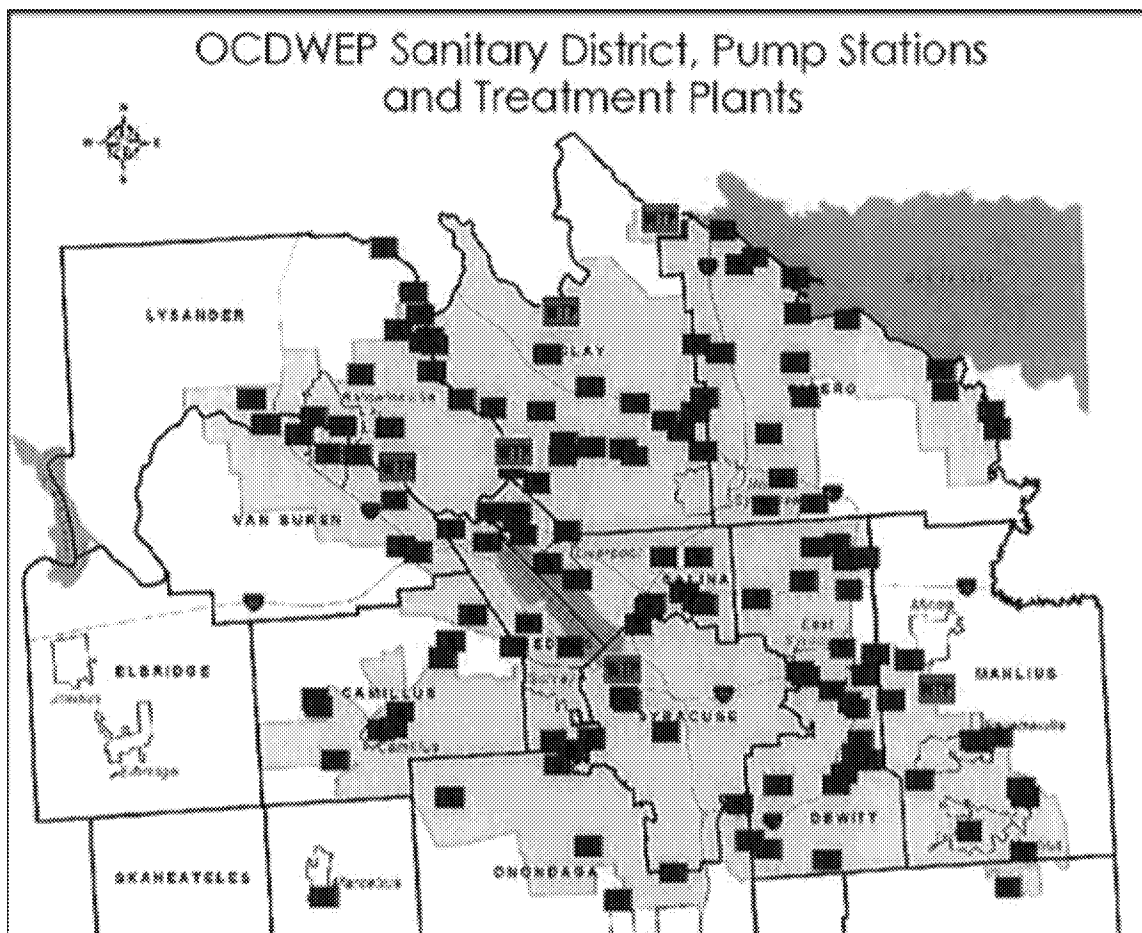
McMahon estimated the cost will reach at least \$500 million over the next 15 years or so.

In the long term, there should be a payback from spending less money to treat clean water. In the meantime, the county will seek state and federal grants to offset the cost of repairing the pipes.

But if McMahon's plan comes together, county sewer bills will fund much of the work. Those bills are likely to rise, although it's hard to say by how much.

"You have to do it one way or the other," he said. "We believe this will be the cheapest way to do it."

Onondaga County sewer charges are below the national average, according to data from the National Association of Clean Water Agencies.

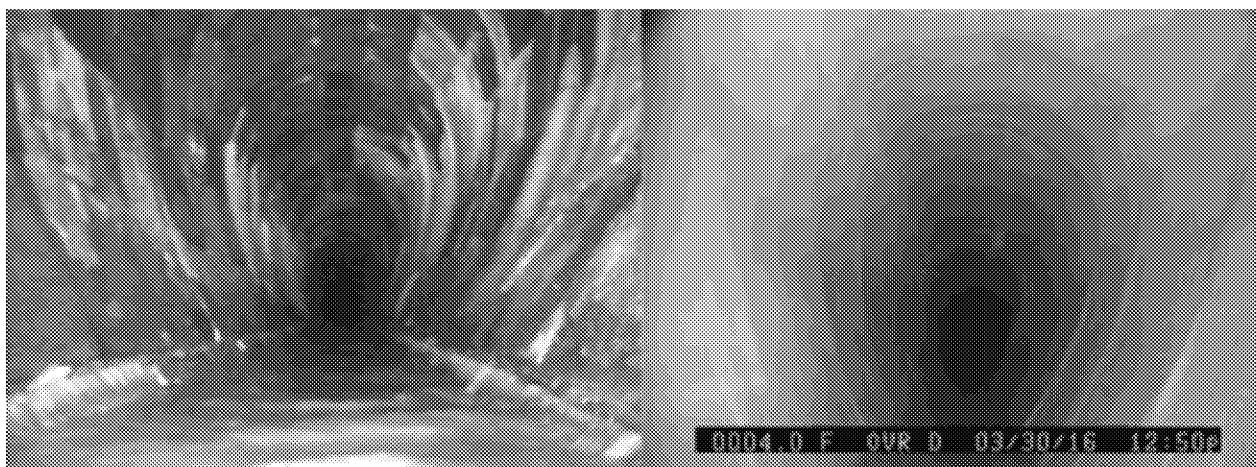


County leaders recently approved a \$9 million plan to begin plugging leaks in sewers that lead to the Meadowbrook-Limestone wastewater treatment plant in the town of Manlius. That work is intended as a down payment, the first of many such projects.

The Meadowbrook facility – one of six sewage plants operated by the county – has been struggling with excess water flow for years. During wet weather, the plant often spills untreated sewage into Limestone Creek, a tributary of Oneida Lake.

Last year, state regulators began to lose patience.

The Department of Environmental Conservation said last October that the county had violated its discharge permit at least 23 times in just the preceding two years at the Meadowbrook-Limestone plant. DEC officials threatened the county with fines of up to \$37,500 a day if it didn't act soon.



**Before and after images of the Butternut Trunk Sewer in Syracuse, originally constructed of clay tile in 1895. The image on the right shows the sewer after it was lined with an epoxy material to fix leaks.**

County officials are certain that excess water is the chief problem for the Meadowbrook-Limestone facility, which was built in 1973 off Manlius Center Road. The amount of liquid flowing through the plant has increased with time even though population has fallen.

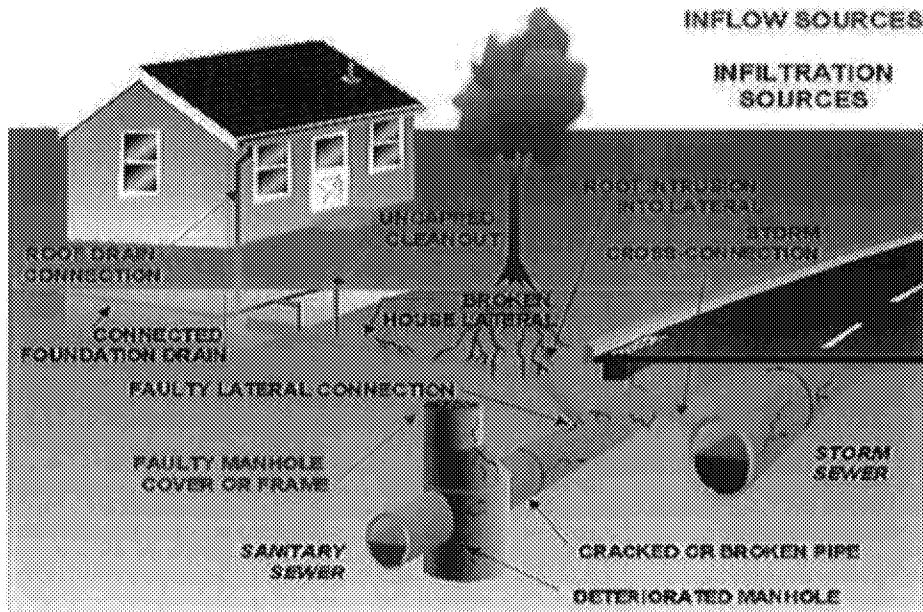
The original design estimated the peak flow into the plant at 16 million gallons per day. A 2016 study showed it was nearly double that.

That indicates that clean water is leaking into the system, said Tom Rhoads, county commissioner of Water Environmental Protection.

About one-third of all the water in local sewers does not belong there, county officials say. Adding extraneous water chokes the system, especially during heavy rainstorms or periods of high groundwater.

Sewage treatment plants that can't handle the flow of excess water and sewage dump it, untreated, into streams or Onondaga Lake.

A 2018 study in Massachusetts, published in the peer-reviewed Environmental Health Perspectives, found an association between sewage overflows and emergency room treatment of gastrointestinal illnesses.



In sewer jargon, unwanted clean water is known as "infiltration and inflow."

Infiltration is when groundwater or storm runoff forces its way into pipes through cracks or holes.

Inflow is when clean water is purposely routed into the sewer system, such as residents hooking up sump pumps to floor drains instead of letting the water flow into the yard.

Millions of gallons of water from those sources work their way into sewer lines every day.

### **We're not alone**

This is not a new problem. And Onondaga County is not unique.

Aging sewer systems all over the country are dealing with leaks. Across New York state, about one-third of all sewer pipes are more than 60 years old, which is beyond their anticipated useful life, according to the American Society of Civil Engineers.



**The Metropolitan Syracuse Wastewater Treatment Plant on West Hiawatha Boulevard is by far the largest of six county sewage plants.**

McMahon cites the risk to economic development.

Already, the limited capacity of the waterlogged sewer system restricts what kinds of businesses can expand or locate here. If DEC officials impose a moratorium on new sewer connections – which they could – development would come to a standstill.

"A lot of these companies have interests in other parts of the country, or internationally," McMahon said. "We know that there are projects right now where if we don't improve the (sewer) facilities, we'll lose that investment. And those investments are important for jobs."

#### **The risk of restrictions**

Some sewage areas have formal "offset" agreements in place, meaning for every new gallon of sewage capacity hooked up to the system, officials have to remove a gallon, or more.

In the Meadowbrook-Limestone service area, DEC officials have threatened to impose an offset of 8 gallons removed for every one added, unless county officials make progress to reduce extraneous flows.

Although it is rarely used, DEC officials have the authority to impose a moratorium on new sewer connections, said Marko, the regional director. In a 1989 order in Auburn, for example, the DEC banned new sewer customers that would release 1,000 or more gallons per day, and required a 3-to-1 offset for all others. Those restrictions were lifted more than a decade ago.



**Crews gather near a 42-inch sewer pipe (at left) that broke in October 2018 and spewed nearly 11 million gallons of sewage into Onondaga Lake.**

Older sewer systems, including the one in Syracuse, send sewage and storm water through the same pipes, called "combined sewers."

Onondaga County has spent nearly \$700 million to comply with a 1998 federal court order to reduce the flow of water and sewage into Onondaga Lake and its tributaries from combined sewers.

The county built giant storage tanks and a new treatment plant, and paid for new separated sewers and green infrastructure such as permeable sidewalks.

In 2014, four years ahead of schedule, the county told a federal judge it had eliminated 95 percent of the storm and sewage water that was estimated to be flowing into Onondaga Lake and its tributaries.

Now county leaders are targeting the sewer system more broadly -- before they risk another court order -- to fix leaky pipes in separated sanitary sewers as well as combined sewers.



Year: 2018



**Pink areas show the neighborhoods with the most sewer backups in Syracuse, which logged more than 4,000 complaints in 2018.**

Disparate ownership of the sewers means that currently no one is 100 percent responsible, county officials say.

A recent example: Federal regulators in July 2018 sent Onondaga County a notice that all six county treatment plants are in violation of the federal Clean Water Act. The Environmental Protection Agency demanded a plan from the county to address inflow-and-infiltration issues.

County officials pushed back. They pointed out that the majority of leaky sewers are owned by other municipalities and are not the county's responsibility.

County and EPA officials are currently negotiating a resolution.

### **What's next**

There are two basic options going forward, sewer experts say: Fix leaky pipes and stop excess water from getting in; or build bigger sewage treatment plants to handle the huge flows that occur during wet weather.

Fixing the leaks provides far more bang for the buck.

But the municipalities that own the pipes don't have nearly the financial resources that the county has. The cost of major repairs could wreak havoc on the sewer bills of a town or local sewer district, McMahon said.

"We can look at this system as a whole -- how we're going to fix it -- or we're going to look at property shock in various pockets of the county," McMahon said.

McMahon said he is working with officials from towns, villages and the city of Syracuse on a plan to consolidate the sewers and begin systematically repairing the worst leaks.

"What we need to look at is the county taking over the infrastructure," he said. "I'm getting more and more comfortable with that concept."

McMahon said he expects to release more details at his State of the County Address.

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LI Residents Could Get Stuck With Big Bills To Pay For Drinking Water Cleanup

February 18, 2019

\$840 million.

That's how much it could cost to clean up contaminated drinking wells on Long Island and water providers there are warning residents – their water bills could double because of it.

"Not good. Not good at all. For what? Contaminated water?" Bethpage homeowner Zareh Andreas said.

New York State has ordered the chemical 1,4 Dioxane to be removed from drinking water. The compound is believed to be a likely human carcinogen associated with liver and kidney damage.

1,4 Dioxane has been detected in 70 percent of Long Island wells and could cost over \$800 million to clean out.

Water providers are suing. Chemical manufacturers want more help from the government and a delay on enforcement standards.

"We estimate 185 wells in Nassau and Suffolk counties will have to worry about removing this contaminant," Dennis Kelleher of H2M Engineers said.

Water rates, without additional state help, could double in some water districts where multiple wells are contaminated.

"Why should I have to pay for it? It wasn't me, whoever did it is responsible," Kevin Kelly of Bethpage said.

"Absolutely I want it clean, we have children, we have lived here our whole lives," Jennifer Kelly added.

The man-made chemical found in industrial solvents – like detergents and shampoos – is reportedly endangering Long Island's fragile aquifer.

Manufacturers of 1,4 Dioxane should be held responsible and we agree they should pay, but where we draw the line is there should be no delay in cleaning up people's drinking water," Adrienne Esposito of Citizens Campaigning for the Environment argued.

The treatment is a high-tech process. Bethpage has a pilot system with a multi-million dollar reactor using ultra violet lamps.

It's called advanced oxidation. What this uses is UV light and hydrogen peroxide," Bethpage water district superintendent Michael Boufis explained.

If the state, the federal government, and manufacturers don't help with the cost, experts predict taxes will go up and water rates will soar.

Water providers add they need three to five years to plan, design, and construct the treatment systems.

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WAMC

Blair Horner: Quality Drinking Water Must Top Albany's Agenda

February 18, 2019

Voting reforms, civil justice changes, expansion of reproductive rights, state financial shortfalls, economic development strategies, all have dominated the recent discussions over the coming year's New York budget. Yet one important issue has received too little attention: protecting New York's drinking water supplies.

Drinking water is one of New York's most important resources. But as a result of climate change, outdated water infrastructure, and New York's toxic chemical legacy, this precious natural resource is in peril. From harmful algal blooms growing worse due to warming waters, to the drinking water contamination crises on parts of Long Island, in Newburgh, Hoosick Falls, and elsewhere, New York must adopt aggressive policies to ensure water is protected for all.

According to a recent analysis of government data, the drinking water of over 2.8 million New Yorkers has levels of 1,4-dioxane that are above the most stringent levels recommended for safety. This is also the case for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) for over 1.4 million New Yorkers. And that's only for communities that have conducted testing – many haven't had to test their water yet.

PFOA and PFOS endanger public health at very low levels of exposure, resulting in developmental effects to fetuses, thyroid disorders, ulcerative colitis, high-cholesterol, preeclampsia, and kidney and testicular cancer. Studies find that exposure to 1,4-dioxane can cause liver cancer and chronic kidney and liver effects.

If PFOA, PFOS and 1,4 dioxane had been regulated years ago, communities may not have had to face the pollution problems they are currently contending with. Unfortunately, too often steps to protect water aren't taken until after a water contamination crisis has already unfolded.

This is a vicious cycle that the public is counting on New York to break. New Yorkers can't wait for people to get sick from exposure to dangerous chemicals to take action.

Thankfully, the New York State Drinking Water Quality Council in December of last year recommended Maximum Contaminant Levels (or MCLs) for PFOA, PFOS and 1,4 dioxane.

MCLs are legally enforceable drinking water standards, and they are essential to prevent exposure to dangerous chemicals found in water supplies. While recommendations were made last December, as yet no regulations to implement those standards have been issued. It is now up to the Department of Health to adopt MCLs that will protect the most sensitive populations and begin statewide testing immediately.

Last week, EPA made clear it isn't going to set drinking water standards for these chemicals for some time. The longer New York doesn't have standards for MCLs on the books, the longer, and greater the chances, people get exposed to unsafe levels of these chemicals.

New York lawmakers began the 2019 legislative session in January, but when it comes to drinking water, there's still a lot left to do. The governor has proposed \$2.5 billion in strengthening state drinking water infrastructure, but only allocated \$500 million for this year. Water infrastructure needs alone are huge in New York state – it's been estimated that over the next 20 years, New York will need to invest \$80 billion to make all the needed repairs, upgrades, and replacements – and that doesn't include the costs associated with treating chemicals like PFOA, PFOS, and 1,4-dioxane. \$500 million – while needed – is just a drop in the bucket. More state support will be needed.

In addition, there is much more to do than simply spending money (although that *is* needed). One key step would be to expand regulation of contaminants already found in drinking water. There are over 80,000 chemicals on the market that are unregulated, which means that even though they may not be safe for public health, they can be in our products or water anyway. PFOA, PFOS, and 1,4-dioxane are only the start. New York must test for unregulated chemicals, set MCLs and ban the use of chemicals that pose health risks.

The public has the basic right and expectation that the water from their taps will be safe to drink. As the federal government rolls back environmental protections, protecting water and health must be at the top of the policymaking agenda in 2019.

Blair Horner is executive director of the New York Public Interest Research Group.

The views expressed by commentators are solely those of the authors. They do not necessarily reflect the views of this station or its management.

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## GLENS FALLS POST STAR

### [State releases new large animal farm pollution permits](#)

By Gwendolyn Craig

February 15, 2019

The state Department of Environmental Conservation has released a new pollution permit for large animal farms that discharge into waters of the state.

The permit had to be revised after an Albany County Supreme Court judge ordered the DEC to address concerns brought up in the case, Riverkeeper vs. (Basil) Seggos.

Justice David Weinstein found the permit violated the Clean Water Act.

One significant change that the nonprofit organization Riverkeeper had called for was to have the DEC approve any changes made to a farm's nutrient management plan. A nutrient management plan details how soil and manure is used on a farm and includes water quality protections, among many other things.

Before, according to the first permit, the farm's own hired planner could make changes without the DEC's approval.

Weinstein had called this "an inherent conflict of interest," since the planners are hired by the farms.

The DEC made that change to the new permit, and will review all changes to nutrient management plans.

The new permit will go into effect on July 8, 2019. To obtain coverage under the new permit, according to a DEC fact sheet, a farm must complete a notice of intent and nutrient management plan at least 60 days beforehand.

[The DEC has said](#) that eight farms in Washington County and two farms in Saratoga County fall under the permit.

The state through the Department of Environmental Conservation is calling on the U.S. Environmental Protection Agency to address upwind ozone pollution affecting New York and other states.

About 9.4 million New Yorkers are breathing in unhealthy air, according to the American Lung...

Smog emitted from power plants out west has affected the air quality in New York state. Through the federal "Good Neighbor" provision, states upwind that emit pollutants must not cause downwind states to fail to attain federal air quality standards. It's up to the EPA to address any petitions submitted by states.

The DEC submitted a petition to the EPA on March 12, 2018, showing that large polluters upwind are hurting the state's ability to achieve federal air quality standards for smog.

Smog can cause health problems like lung tissue damage and coughing, and can exacerbate medical conditions like heart disease and asthma.

The EPA has not yet made a decision, which has prompted the state attorney general to threaten to sue if it does not do so soon.

"EPA needs to do its job of reducing pollution," said DEC Commissioner Basil Seggos, in a news release. "As the past summer's elevated ozone levels demonstrate, progress to reduce ozone has stalled despite the success of New York and

other northeastern states in reducing emissions. Rather than calling to limit pollution from coal-fired power plants and industrial sources, EPA is allowing these companies to continue or even increase pollution. Our communities suffer as a result, with increased asthma attacks and other respiratory and cardiovascular illnesses to show for it.”

The Cornell Lab of Ornithology and the National Audubon Society are looking for the public’s help to document birds.

A nationwide Great Backyard Bird Count starts Friday and will go through Monday, Feb. 18. Participants should count birds for at least 15 minutes for one or more of the days, according to the DEC.

About 250 acres in the town of Chester will be protected by the Adirondack Land Trust, according to a release.

The land includes Moxham Mountain and cliffs between Minerva and North Creek.

The town, the DEC and the land trust are looking to create a new hiking trail on the south side of the mountain and to build a trailhead with parking off Route 28N.

There is currently a trail on the north side to the mountain’s 2,360-foot summit.

The land trust bought the property for \$160,000 from the Brassel and Zack families.

“This exceptional Adirondack landmark will remain forever undeveloped and beautiful, and eventually accessible to those who want to enjoy its unique terrain,” said Mary Brassel Zack. “Moxham’s cliffs command attention and challenge hikers to reach the top, where they can enjoy views of Gore Mountain and the Hudson River to the south and the High Peaks to the north.”

Senate reauthorizes fund

A fund instrumental in protecting public spaces has been reauthorized by the U.S. Senate, according to a news release.

The Land and Water Conservation Fund, which has invested more than \$336 million to protect public lands and water resources, expired last year. It was reinstated through the Natural Resources Management Act.

The fund does not rely on taxpayer dollars but rather revenue collected from offshore oil and gas development to buy lands for conservation.

U.S. Sens. Chuck Schumer and Kirsten Gillibrand thought the passing was a win.

“I’ll keep pushing to ensure that this critical legislation is passed by Congress and signed into law, to ensure that New York’s natural and historic treasures — from Niagara Falls to the Adirondacks to Long Island’s beaches — can be enjoyed by generations of New Yorkers to come,” Schumer said in a release.

Gillibrand said the fund has played a key role in preserving New York’s natural and historic treasures including the Adirondack Park’s lakes and the Saratoga Battlefield National Historical Park.

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ALBANY TIMES UNION

[EPA lays out plan to regulate PFOA in drinking water — eventually](#)

February 14, 2019

An action plan unveiled by federal officials on Thursday offered a murky timeline for setting national limits on PFOA in drinking water.

But the announcement from the U.S. Environmental Protection Agency only states it will seek authorization to regulate the toxic chemicals by the end of the year — a half-step that received sharp rebuke from environmental groups and the mayor of Hoosick Falls, a community that has for several years grappled with PFOA contamination in its drinking water.

In light of the ambiguous timetable from federal officials, advocates urged **state officials** to impose the nation-leading limits for the chemicals that were proposed **in December by an advisory panel**.

In 2015, Hoosick Falls was found to have high PFOA levels in its drinking water, and similar contamination was later discovered in nearby Petersburg and other communities. The discovery set off a broader examination of the contaminants in New York's drinking water.

Perfluorooctanoic acid is a manmade chemical that was used for decades to manufacture industrial and household products such as non-stick coatings and heat-resistant wiring. The chemical is a specific subset of polyfluoroalkyl substances, or PFAS, which the EPA acknowledges "can lead to adverse human health effects."

A peer-reviewed report on the health effects of PFOA, commissioned in connection with a class-action lawsuit in the Ohio valley, concluded the chemical has a "probable link" to cancer and other maladies.

The EPA's plan, which follows a national summit in May and is based on input from around the country, includes enforcement activities, new monitoring steps, additional research and the creation of risk assessment tools to help local communities. The effort will include multiple agencies, states, municipalities, water utilities and manufacturers, according to an EPA statement.

"We are moving forward with several important actions, including the maximum contaminant level process, that will help affected communities better monitor, detect, and address PFAS," acting EPA Administrator Andrew Wheeler said in a statement.

Hoosick Falls Mayor Rob Allen said he is "extremely disappointed" with the EPA's proposed solution, describing it as "high on rhetoric and short on action."

Allen said he was particularly frustrated with the agency's delay in implementing maximum contaminant levels for drinking water. "They are still years away from doing anything tangible," he said.

Allen and Michael Hickey, a village resident who discovered the PFOA in the village's water system, raised these concerns during a phone briefing on Thursday with federal officials.

Susan Bodine, an EPA compliance administrator, responded that the agency's regulatory process is codified in law, which prevents faster action.

"We don't control the regulatory timeline," Bodine said.

Allen said the federal government's system for regulating dangerous chemicals was "broken," and called on Congress to pass a law regulating the contaminants immediately.

Liz Moran, environmental policy director for New York Public Interest Research Group, said Thursday's announcement is further proof that the EPA is "no longer serious about protecting public health."

"EPA already has everything it needs to begin a rule-making to set an enforceable drinking water standard for PFOA and PFOS, but still won't commit to taking action," Moran said in a statement.

But she also faulted New York officials for failing to deliver on Gov. Andrew M. Cuomo's promise to establish drinking water standards for PFOA and PFOS.

"EPA's repeated inaction underscores the urgency for New York to lead," Moran said. A maximum contaminant level for PFOA and PFOS "that protects New York's most sensitive populations must be set and statewide testing must begin immediately."

Allen said he expected the state to adopt drinking water levels "in a couple months."

"In a lot of ways we're leading the country," he said. "We're light years ahead of the EPA right now."

Judith Enck, a former EPA former regional administrator for New York, said the agency's plan is "short on action" and lacks "urgency." She contends it should have included new drinking water standards, additional enforcement actions and a requirement that polluters fund health-monitoring costs.

"The announcement revealed that on this issue, EPA is either incompetent or indifferent in addressing this pressing public health issue," Enck said in a statement.

She did credit EPA with adding PFOA to the list of hazardous substances.

Companies began phasing out their use of PFOA more than a decade ago amid growing international concerns about the chemical's health and environmental effects. In 2006, the EPA reached an agreement with DuPont and other manufacturers to stop producing or using PFOA, although DuPont continued producing it because the agreement did not require a shutdown in production of the chemical until 2015.

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## NORTH JERSEY RECORD

### EPA plan stops short of regulating toxic chemical, promises decision later

By ANNIE SNIDER

02/14/2019



"The PFAS Action Plan being trumpeted by EPA today is insufficiently protective, and it explains why Acting Administrator Andrew Wheeler would not commit to setting a drinking water standard for PFAS during his nomination hearing last month," Sen. Tom Carper said

The Environmental Protection Agency released a plan on Thursday to deal with a class of toxic chemicals found in 98 percent of Americans' blood, but offered no guarantee the agency will enact enforceable drinking water regulations for the two best-studied compounds.

Instead, the plan commits to taking the first step under the lengthy Safe Drinking Water Act process by making a formal decision on whether to set a limit on the amount of the chemicals allowed in tap water, called a Maximum Contaminant Level, this year. That deadline was added after POLITICO reported last month that a draft of the plan did not include a drinking water limit, according to multiple sources with knowledge of the changes.

"We're going through the regulatory process. We can't predetermine what the outcome will be because we take notice and comment. But I have every intention of setting an MCL," acting Administrator Andrew Wheeler said at a press conference in Philadelphia, calling the plan's unveiling a "pivotal moment in the history of the agency."

"I can't give you a definite answer as to how long it will take," Wheeler added, noting that EPA has not set a new maximum contaminant limit since the law was amended in 1996. The agency is "charting new territory," he said.

Drinking water experts say it would take at least two more years until any mandatory federal limit would be likely to go into effect for the chemicals, called PFOA and PFOS, if the agency does decide to set one. That would be roughly a decade after an expert science panel linked PFOA with kidney and testicular cancer, immune problems and other ailments — findings that led manufacturer DuPont to agree to a \$670 million settlement with affected residents in West Virginia. Court documents show chemicals manufacturers have known of their harms for decades.

The chemicals, part of a broader class called PFAS, were used for decades in products ranging from carpeting to Teflon cookware to firefighting foam. The very quality that made them so useful at resisting water and stains — a strong molecular bond — causes them to persist for decades in the environment and in human bodies. EPA-mandated drinking water monitoring found PFOA and PFOS in at least 16 million Americans' tap water, but new contaminations continue to come to light near industrial sites and military bases where the firefighting foam was used.

Morning Energy newsletter

The promise in the new plan goes only slightly further than former Administrator Scott Pruitt vowed nine months ago at a two-day "national leadership summit" on PFAS. "The determination of a [drinking water limit] is something that we will begin in earnest post this meeting," he said at the time.

Critics were quick to blast the lack of decisive action in Thursday's plan.

"The PFAS Action Plan being trumpeted by EPA today is insufficiently protective, and it explains why Acting Administrator Andrew Wheeler would not commit to setting a drinking water standard for PFAS during his nomination hearing last month," Sen. Tom Carper (Del.), the top Democrat on the Senate Environment and Public Works Committee, said in a statement.

At least two states — Michigan and New Jersey — expressed concern with the timeline for action laid out in the plan. New Jersey's Department of Environmental Protection called the EPA announcement "disappointing," saying in a statement that "the Trump Administration is leaving millions of Americans exposed to harmful chemicals for too long by choosing a drawn-out process" for setting an enforceable limit.

Republican lawmakers, including those whose support Wheeler needs to be confirmed to lead the agency permanently, have also expressed concern about the contamination in water supplies. Senate Environment and Public Works Committee Chairman John Barrasso (R-Wyo.) said he planned to hold a hearing on the issue this spring.

"EPA must speak clearly about the risk that this class of chemicals poses to public health and the environment. The agency must be willing to take decisive action where it is warranted," he said in a statement.

Democratic Reps. Frank Pallone (N.J.) and Paul Tonko (N.Y.), chairmen of the House Energy and Commerce Committee and its environment subcommittee, respectively, said in a statement the plan "fails to meet the challenge our nation faces with this growing water contamination and health crisis," and warned that if EPA "intends to drag its feet, Congress will have to step in and lead the fight to protect Americans from these dangerous chemicals."

The most enthusiastic responses to the plan came from industry. 3M, the company that originally developed the class of chemicals and is facing dozens of lawsuits across the country related to contamination, said it supports EPA's approach.



"3M agrees with EPA moving forward with the Safe Drinking Water Act's maximum contaminant level process with respect to PFOA and PFOS. We support regulation rooted in the best-available science and believe that this plan may help prevent a patchwork of state standards that could increase confusion and uncertainty for communities," the company said in a statement.

And the industry advocacy group Responsible Science Policy Coalition, backed by 3M and other PFAS manufacturers, said it was "pleased" with EPA's plans for better understanding the chemicals. The group, which has argued the chemicals don't pose a health threat, called for EPA to "conduct [a] comprehensive and independent peer review of draft health guideline values," and allow for public comment — moves that public health advocates say are classic industry tactics to stall regulation.

Advocates in communities with contamination from the chemicals have been nearly unanimous in their call for a broad and strict drinking water standard.

"We want to see the EPA establish a [drinking water limit] of 1 part per trillion for all PFAS," Andrea Amico, who leads an advocacy group focused on the former Pease Air Force Base in New Hampshire, told EPA representatives at a later community engagement session it held in June in Exeter, N.H. "We need a very strict regulatory guideline and we need it now," she said.

Part of the problem has been the data that EPA has on the prevalence of the contamination. When the agency mandated that monitoring, it set a detection level that scientists now say is too low, and covered only six types of PFAS.

Moreover, drinking water experts point out that the monitoring was done predominantly on large drinking water systems, which tend to rely on surface water for supplies, whereas PFAS contamination is primarily associated with groundwater contamination. The monitoring also did not sample many private wells, where states like Michigan that have done their own monitoring are finding the chemicals.

EPA water chief Dave Ross told reporters Thursday morning that the agency will conduct additional monitoring for PFAS in its next round of mandatory testing under the Safe Drinking Water Act. According to the plan, EPA plans to propose a new round of tap water testing that searches for the chemicals at lower levels in 2020. It would then take at least two more years to conduct the monitoring and collect results.

But public health advocates say that's no excuse for waiting to act on the chemicals for which there is already a large amount of scientific information and that are increasingly being found in water supplies from Michigan to New Mexico to New York.

"We're talking about PFOA and PFOS — these are the two best-studied PFAS chemicals, and should be the ones that are easiest to protect against in our drinking water. So EPA's inaction on this is just really astounding," said Bart Johnsen-Harris with Environment America.

The plan also notes that EPA is moving to list PFOA and PFOS as hazardous under its Superfund program — a move that could help the agency compel cleanups. But draft EPA guidance for how stringently contaminated sites must be cleaned up has been stalled at the White House since August amid a dispute between EPA, DOD and HHS over how strict the requirements should be. EPA is not releasing that guidance today. Ross said it would be released "soon."

Sen. Gary Peters (D-Mich.), whose state has found major PFAS contaminations as it methodically tests drinking water supplies, said the lack of cleanup guidance left him with "little confidence in the agency's ability to initiate enforceable cleanup and drinking water regulations."

Community groups also criticized EPA for not taking strong action to limit new types of PFAS from entering the marketplace — a key point in an administration where former top chemicals industry officials are now in high-level posts

at EPA, including a former Koch Industries official who is now overseeing the agency's research on PFAS, and a former top expert for the chemical industry's lead lobbying group who is now the No. 2 political official for EPA's chemical safety office.

In the plan, EPA says it will use authorities recently granted by Congress to address "unreasonable risks" before new chemicals hit the market, and will issue regulations requiring companies to notify the agency before they manufacture PFAS that have already been approved by EPA for new uses — an effort that has been in the works since 2016. The agency offered no timeline for its issuance.

Geoff Gisler, an attorney for the Southern Environmental Law Center who represents Cape Fear River Watch in litigation relating to direct discharges of PFAS into the river by a Chemours plant, called the plan an "empty gesture for American families and communities."

"While it's essential that polluters are forced to clean up their existing pollution, EPA must also act to prevent industry from discharging these toxins and endangering people in the first place. The agency's plan does nothing to stop ongoing pollution, a role that this administration has abandoned," Gisler said in a statement.

The plan also lays out the next suite of PFAS chemicals that EPA will study for toxicity. Those include PFBA, PFHxA, PFHxS, PFNA, and PFDA. It also indicates that EPA will "explore" the possibility of requiring chemical manufacturers, paper mills and other industrial sources to report releases of the chemicals under the Toxics Release Inventory, a move that could help downstream water utilities and nearby residents of potential dangers.

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## NJ SPOTLIGHT

### [Lawmakers Want Inventory of Lead Service Lines in Public Water Systems](#)

By Tom Johnson

February 15, 2019

Issue is a 'very top priority' for municipalities but they say they will need financial help to do the work

In a step to get a better handle on the extent of lead contamination in New Jersey's drinking water, a Senate committee yesterday passed a bill that would require public water systems to inventory the number of lead service lines in their systems.

Supporters of the legislation (S-1783) say it would help the state and local residents better understand the scope and magnitude of lead contamination in water, a problem that officials mostly attribute to lead service lines, which connect customers' homes with water mains in the street.

Recent disclosures underscore lead in drinking water as a statewide problem, not just limited to urban areas with aging water infrastructure. Last month, Suez North America warned that thousands of homes in Bergen and Hudson counties may be at risk of having unsafe levels of lead in their drinking water.

An estimated 350,000 homes and businesses in New Jersey have lead service lines coming into their structures, the fifth highest of any state in the nation. Lead seeps into tap water from those service lines, fouling drinking water, according to officials. In his State of the State address, Gov. Phil Murphy said more than 1.5 million residents are provided water with elevated levels of lead.

The legislation, sponsored by Sen. Linda Greenstein (D-Mercer), would require public water systems to compile and report an inventory of lead service lines in their distribution systems to the state Department of Environmental Protection. They would have to make their inventory available, at no cost, to appropriate state and local officials, as well as customers.

### **No comprehensive map of NJ's water lines**

Greenstein, who co-chaired a special legislative task force on problems with the state's drinking water infrastructure, said she was surprised to learn that there is no comprehensive mapping of water lines around the state.

Lead emerged as a top issue after testing at Newark schools and homes found widespread lead contamination in drinking water. In Newark, more than two in five sampled homes had lead in tap water above action levels set by the federal government.

"It's just not in Newark homes," said Doug O'Malley, director of Environment New Jersey. "This is an endemic problem even though we've been talking about it for four years."

As with other issues related to lead, however, the bill provides no money to do the inventory, a flaw that poses problems for municipal-owned systems, according to Frank Marshall, of the New Jersey State League of Municipalities.

### **A 'tremendous onetime expense'**

"This is a very top priority for us," Marshall told the Senate Environment and Energy Committee. "The only issue is this is a tremendous onetime expense for us. We're looking for help."

According to a fiscal estimate by the Office of Legislative Services, the cost to municipal-owned systems could run as much as a total of \$30 million. "The big issue is paying for all the steps that have to be done," noted Greenstein.

Jeff Tittel, director of the New Jersey Sierra Club, however, said the inventory will serve a purpose by showing the public how widespread the problem is. "It can be a wakeup call to people so we can come up with the resources to start fixing the problem," he said.

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## **NJ SPOTLIGHT**

### **PSEG: We're Not Bluffing About Shutting Down Nuke Plants**

By Tom Johnson

February 15, 2019

To bolster argument for subsidies paid by power customers, company says it would begin taking its three plants offline this fall if it doesn't win its case

PSEG Nuclear yesterday rebuked opponents of its bid for lucrative subsidies from ratepayers to keep its three nuclear power plants open, vowing to close the units unless each is awarded financial incentives, beginning as soon as this fall.

In a 44-page response filed with the New Jersey Board of Public Utilities, the company said the financial information provided to the agency demonstrated the plants will not cover future costs and risks, and PSEG was thus qualified to receive subsidies of up to \$300 million a year.

The filing, in fact, suggests the plants could shut begin shutting down prior to refueling outages as early as this fall for Hope Creek, next spring for Salem II, and in the fall of 2020 for Salem I.

“While the commenters opposing PSEG Nuclear’s application may believe that the company is bluffing, the reality is that after years of analysis, this difficult decision already has been made,” the filing said. “Whether the plants continue to operate or retire is now in the hands of the BPU.”

Whether the subsidies, called zero emission certificates (ZECs), are awarded to the company is to be determined in a proceeding now underway before the BPU and expected to conclude in April.

### **Plants in trouble across the country**

Nuclear plants around the country are in economic distress, largely because they cannot compete with cheap natural gas-fired plants. At least six nuclear units have prematurely closed. Other early retirements have been averted by similar subsidy programs in Illinois and New York.

The New Jersey subsidy is opposed by the New Jersey Division of Rate Counsel, the PJM Providers Group (a coalition of energy suppliers), the PJM Independent Market Monitor and the New Jersey Large Energy Users Coalition.

In general, the opponents argue PSEG has failed to prove its plants are in danger of closing. They claim the company has understated future revenues, overstated risks, and failed to account for pending proposals before the federal government that could make the plants even more profitable.

In response, PSEG accused the intervenors of seeking to reopen debate over issues settled when Gov. Phil Murphy signed a bill last spring that set up a system whereby nuclear units could qualify for subsidies. Among those issues were roughly \$2.9 billion in subsidies the plants received when the state broke up electric monopolies 20 years ago.

“The comments of the intervenors and participants do not provide an even plausible basis for the BPU to decide that the plants are ineligible for ZECs,” the company said. “In derogation of legislative directives, intervenors and participants suggest that all risks should be ignored and financial projections should be based on highly optimistic and speculative assumptions.”

### **PSEG: Opponents use faulty projections**

PSEG also accused the critics of making numerous errors and inaccurate assumptions in their comments on the company’s application. Primarily, the intervenors based the plants’ projected revenues by using “peak” prices rather than “around-the-clock” prices. “This major flaw results in well over \$100 million in inflated revenue projections,” according to PSEG.

The company also disputed assertions that the plants are unlikely to retire within three years because the units have commitments over that time frame to provide capacity to the power grid. PSEG said those commitments could be accommodated with power from other units.

Finally, the company disputed claims by critics that the subsidy amount would be adjusted by the BPU. Instead, PSEG argued the new law established a charge of \$0.004 per kilowatt hour. The law only gives the BPU discretion to change the subsidy in the final year of the first three-year ZEC period, according to the company.

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## NORTH JERSEY RECORD

### [You may soon have to pay a fee for plastic bags in Ridgewood](#)

By Meghan Grant

February 14, 2019

Responding to a proposal from an environmental volunteer group, the Village Council is considering a ban on single-use plastic shopping bags.

The Ridgewood Environmental Advisory Committee petitioned the Village Council to ban single-use plastic bags given out by Ridgewood stores and impose a fee for single-use paper bags.

"We are proposing that the village pass an ordinance along the lines of the one that is now in effect in Hoboken, although similar ordinances have been adopted in 13 other New Jersey towns," said Robert Upton, chairman of the environmental group. "The basic premise behind the Hoboken ordinance is firstly bans retailers and businesses from handing out single-use plastic bags to their customers, and secondly it places a fee on single-use paper bags made available to any customers who require those bags."

Ridgewood will tentatively introduce its own ordinance in March, said Councilman Mike Sedon, the liaison to the Green Team and the environmental committee.

Hoboken, Jersey City, Teaneck, Bradley Beach, Point Pleasant and other municipalities have adopted similar restrictions. New Jersey shoppers are given 4.5 billion plastic bags each year.

"There's an extensive list of places that have already done this [bans], and in Europe there are whole countries that have done it. It is gaining momentum," said Sedon, adding plastic bags can interfere with the equipment at local recycling centers.

Plastic litter has inundated New Jersey's beaches, streets and waterways. Trenton lawmakers have weighed regulations on everyday plastics like straws and plastic shopping bags. Last summer, Gov. Phil Murphy vetoed a 5-cent fee on plastic bags, signally support for an outright ban or other stronger measure.

"The environmental problems associated with plastics are increasingly, widely publicized and are well known," said Upton. "We frequently hear a quote that the current rate of use of single-use plastics, that there will be more plastic in the oceans than fish by 2050."

Mayor Ramon Hache said he believes people naturally resist change, at first.

"I think this is eye-opening in certain regards. When you read all the facts about what the impact is, it's kind of scary," said Hache.

In Hoboken, the paper bag fee ranges from 10 to 25 cents per bag, at the business's discretion for the entity to keep, and exemption from fees if businesses distribute reusable bags as a promotion, Upton said. Plastic produce bags are not subject to Hoboken's ordinance.

Lisa Summers said the environmental group gravitated toward Hoboken's model since it takes into account if customers are participating in any financial welfare programs.

The Village Council's consideration comes about a year after the committee of volunteers, who assist village government in long-range planning on environmental matters, first approached the governing body.

The group received "no objections" from Ridgewood Guild, Chamber of Commerce, Stablehands, and Central Business District Committee during its survey. Of the four replies, three expressed support for an ordinance to restrict or reduce plastic bag usage, and another asked for more information, Upton reported. Letters given to three grocery stores within the village received no response.

The Ridgewood recycling department has also expressed support, said Upton.

Councilman Jeff Voigt said he supports an ordinance, but wanted to see more feedback from the grocery chains.

Ridgewood is home to five supermarkets and grocery stores, with varying store policies. Whole Foods doesn't distribute single-use plastic bags. Kings offers a small return for customers using reusable bags.

"You're always going to have a certain resistance initially, but follow up data tends to be very, very positive, not just for behavior, but attitudes. After a while, it's not a big deal to people," said Summers.

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## NORTH JERSEY RECORD

### Proposed Meadowlands power plant would be NJ's biggest greenhouse gas polluter

By Scott Fallon

02/15/2019



A billboard was put up in January along the New Jersey Turnpike asking Gov. Phil Murphy to deny permits to a proposed gas-fired power plant in the Meadowlands. (Photo11: Courtesy of Paula Rogovin)

A controversial, natural gas-fired power plant proposed for the Meadowlands would emit more carbon dioxide and other greenhouse gases than any existing power plant in New Jersey, according to a review of federal data.

In fact, North Bergen Liberty Generating station's estimated 2.6 million metric tons of carbon dioxide emissions would tie it with the Phillips 66 Bayway Refinery in Linden as the top single greenhouse gas producer in the Garden State.

**A list of New Jersey's top emitters can be found below.**

Opponents of the plant are concerned that the New Jersey Department of Environmental Protection would not consider the impact of greenhouse gases as officials evaluate a slate of air permits that will determine if the power plant is built.

But federal permitting rules have required the state to consider greenhouse gas emissions when evaluating most power plant proposals since 2010, DEP spokesman Larry Hajna said on Thursday.

"Yes, greenhouse gas emissions will be evaluated as part of the application," Hajna said.

Proposed by the Mitsubishi subsidiary Diamond Generating Corp., the plant would be one of the largest electricity generators in the state, at 1,200 megawatts.

But none of the electricity would go to New Jersey consumers. It would instead be transmitted by cable under the Hudson River to New York City.

The \$1.5 billion project has the backing of North Bergen leaders, the Meadowlands Chamber of Commerce and by labor unions because Diamond Generating Corp. would temporarily employ more than 2,100 construction workers to build the plant.

About 30 permanent workers would operate the plant, and the company would spend about \$5 million annually to local contractors for plant maintenance.

But more than 40 towns have passed resolutions against the plant, including mayors of many Meadowlands communities along with the Bergen County League of Municipalities.

Murphy has ambitious goals to generate half of New Jersey's electricity by solar, wind and other renewable power within 11 years and 100 percent by 2050.

But he came under criticism when the DEP issued six wetlands-related permits for the project in June.

The air permits, yet to be approved, are another key step for the project to proceed. The DEP is evaluating how much air pollution the plant will emit, including the chemicals that cause smog.

But greenhouse gases are just as important, project opponents say. The growing impacts of climate change from millions of tons of carbon dioxide would be felt throughout the 14-town Meadowlands region, which already experiences chronic flooding and suffered tens of millions of dollars in damage from a 12-foot storm surge propelled by Superstorm Sandy in 2012.

Cars, trucks, trains, boats and other members of the transportation sector are far and away the leading emitters of carbon dioxide in New Jersey followed by power plants.

The amount of greenhouse gases emitted by large facilities such as power plants change from year to year. But the same facilities are often near the top in New Jersey year after year.

Liberty Generating would pump 100,000 more tons of carbon dioxide into the air than the Linden Cogeneration facility, which was the top emitter among power plants in 2017 based on measurements reported to the U.S. Environmental Protection Agency.

It would also be the largest emitter in New York based on the 2017 measurements - the latest greenhouse gas data available from EPA.

Liberty Generating has the potential to pump 3.5 million metric tons of carbon dioxide if it were running at full capacity, according to data submitted to the DEP. But a spokesman for the project said it would emit an average of 2.6 million metric tons annually.

"Our emissions would decrease as more renewable energy sources are tied into the grid," said Brian Hague, a spokesman for the developer Diamond Generating Corp. of Los Angeles.

The 3.5 million metric tons "is what our plant could emit if it was running at full capacity year round – a highly unlikely scenario," Hague said.

### **Top greenhouse gas emitters in 2017**

Phillips 66 Bayway Refinery: 2.6 million metric tons  
Linden Cogeneration (power plant): 2.5 million  
Red Oak Power (power plant), Sayreville: 2 million  
Linden Generating Station (power plant): 1.9 million  
West Deptford Energy Station (power plant): 1.8 million  
Paulsboro Refining Company (refinery): 1.8 million  
Woodbridge Energy Center (power plant): 1.7 million  
Newark Energy Center (power plant): 1.5 million  
Bergen Generating Station (power plant), Ridgefield: 1.4 million  
Carneys Point (power plant): 1 million

Opponents of the power plant will hold a rally on Friday at noon at 279 Bergen Turnpike, Ridgefield Park. The rally will be held under a billboard that urges Murphy to reject the power plant.

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### **WESTCHESTER JOURNAL NEWS**

#### **Natural gas applications more than double as public service fields complaints, concerns**

February 14, 2019

By Akiko Matsuda and Thomas C. Zambito

New apartment buildings as well as new natural gas customers who've abandoned oil have been pushing the natural gas demand close to the capacity of the current supplies, said ConEd.

- The number of natural gas hookup applications has double since Con Edison announced a moratorium.



- State regulators approved Con Edison's proposal to reduce natural gas demand.
- At Wednesday's public hearing, state and local officials blamed ConEd and PSC.
- Supporters of alternative energy sources urged the state to reject new pipelines

Westchester's natural gas hookup applications to Consolidated Edison have more than doubled since a moratorium was announced in an apparent rush to beat the deadline.

The company received 420 applications, or "just over double" the normal, during the three-week period since Jan. 17, said Allan Drury, a ConEd spokesman, which was when ConEd notified the state Public Service Commission (PSC) of its plan to stop accepting new natural gas customers in southern Westchester starting March 15.

More applications are expected.

"Our hope is that we'll be able to get our applications completed, if they haven't already, before the March 15 deadline," said Seth Pinsky, executive vice president with RXR Realty, New Rochelle's master developer, referring to the company's multiple projects in the pipeline, including the two, 28-story tower residential complex on Division Street.

New apartment buildings as well as new natural gas customers who've abandoned oil have been pushing the natural gas demand close to the capacity of the current supplies, Con Edison explained the reason for the moratorium.

The state's aversion to approving new gas pipelines as it pursues ambitious clean-energy goals has also been blamed.

## Harsh exchange

At a state Public Service Commission hearing Wednesday in White Plains, state and local officials had harsh words for ConEd and the commission.

"Consolidated Edison has horribly bungled this whole situation and risks dire economic consequences to communities in this county," said Westchester County Legislator MaryJane Shimsky. "The dreams of homeowners, and the future economic health of many of our communities, hang in the balance."

Assemblyman David Buchwald also leveled criticism at the process, particularly the Public Service Commission.

"To the extent that the commission is supposed to be the eyes and ears of the people of the state of New York, some recognition should occur that you failed in that mission," said Buchwald. "And I think the right remedy is for the citizens of Westchester to receive full transparency as to what in retrospect the commission could have done to alert the public and its representatives as to the gas supply situation in our county."

ConEd vice president Ivan Kimball said the moratorium was needed to address surging demands for natural gas in Westchester County, as more and more customers move away from oil heat.

Kimball added that natural gas supplies have failed to keep pace amid regulatory challenges to new pipelines. The last time a new interstate pipeline connecting to the ConEd system was added was 2013 in lower Manhattan, Kimball said.

"While the demand for natural gas continues to grow, the pipeline supply has not increased for a number of years," Kimball said.

Outside Wednesday's hearing at the White Plains Public Library, anti-gas advocates urged the state to reject any new pipelines and use the moratorium to expand the use of renewable sources of energy like wind and solar power.

"We need to stop dumping money into dangerous, antiquated infrastructure," said Courtney Williams of Peekskill, the co-founder of Safe Energy Rights. "We need to stop pretending we have a choice between business as usual and taking climate change seriously."

State Sen. Peter Harckham said the state should stick to a strategy that involves clean sources of energy.

"Do we rush to install more gas lines, and commit ourselves to another 30 years of a carbon-based economy, or can we collaboratively think outside the box by finding efficiencies and rerouting other supplies while we ramp up clean renewables for today, tomorrow and beyond?" Harckham said.

Smart solutions

State regulators have acted last week by approving Con Edison's \$223 million initiative called "Smart Solutions," which aims to reduce natural gas demand through efficiency and electrification.

"The PSC is providing Con Edison with the ability to deploy non-traditional solutions to address the customer needs currently met with natural gas and expects Con Edison to use these tools to help its customers and protect environment," said Commission Chairman John B. Rhodes. "Con Edison needs to move quickly and put forward innovative solutions designed to meet current and future energy demands throughout its serve territory." Alternative solutions are welcome, as long as they are not cost prohibitive, said Pinsky, with RXR.

"So the real concern that we have is that this moratorium, if it becomes permanent, could make projects that otherwise would've been viable in Westchester not viable. And that's not good for the county, and it's not good for the state," he said.

Martin Ginsburg, founder and principal of Ginsburg Development Co.s, was not alarmed Wednesday, saying that his recent residential complexes, including 1177@Greystone on Warburton Avenue in Yonkers, are all electric.

"After all, if we're going to be green, it's going to be electric," Ginsburg said. "At this point, we're moving to that direction, and we are consciously doing it."

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## National News

### The Hill

#### EPA chief knocks Green New Deal

<https://thehill.com/policy/energy-environment/430027-epa-chief-knocks-green-new-deal-not-really-ready-for-prime-time>

#### Chris Mills Rodrigo

Acting Environmental Protection Agency (EPA) chief Andrew Wheeler knocked the Green New Deal and its rollout as "not really ready for prime time."

"I've read the resolution that they put out. I've also read the fact sheet that they later disavowed. I'd say probably the rollout was not really ready for prime time," Wheeler said in an [interview with ABC](#) that aired Wednesday.

"But, I am concerned that they really don't seem to value a stable electricity source, grid reliability and for human health and the environment here at the agency, I have to be very concerned about that because it's the electricity system that supplies our drinking water system that runs it."

Wheeler was referring to a Green New Deal FAQ sheet that Rep. [Alexandria Ocasio-Cortez](#) (D-N.Y.)'s office sent out to multiple outlets, including The Hill.

It included provisions about eliminating air travel, acknowledged it couldn't stop cow flatulence and guaranteed economic security for those who are "unable or unwilling to work."

Ocasio-Cortez later clarified that the official stances of the Green New Deal are in [the resolution that she introduced](#) with Sen. [Ed Markey](#) (D-Mass.) earlier this month and the FAQ sheet was sent out in error.

The proposal is focused on achieving net-zero greenhouse gas emissions within the next 10 years while also creating millions of "good, high-wage jobs."

It specifically outlines plans to build or upgrade to "energy-efficient, distributed, and 'smart' power grids" as well as "ensuring affordable access to electricity."

The Green New Deal resolution also highlights the importance of improving energy infrastructure and "guaranteeing universal access to clean water."

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[E&E News: McConnell sets up Wheeler vote](#)

<https://www.eenews.net/eedaily/2019/02/15/stories/1060121143>

[Kevin Bogardus](#)

Acting EPA Administrator Andrew Wheeler is moving toward Senate confirmation.

Senate Majority Leader Mitch McConnell (R-Ky.) yesterday filed a cloture motion on Wheeler's nomination to lead the agency.

That will set up a vote to end debate followed by a confirmation roll call, both possible after next week's congressional recess.

Democrats and environmental groups have opposed Wheeler's nomination to lead EPA, citing his time as a lobbyist for energy interests, including coal giant Murray Energy Corp., prior to joining the agency. Critics have also taken issue with Wheeler's push to roll back various environmental rules while leading EPA.

Nevertheless, with Republicans in control of the Senate, Wheeler is expected to be confirmed as EPA administrator. He has already been approved by the Senate once before on a 53-45 vote last April to be the agency's second in command.

Wheeler took charge at EPA on an acting basis in July after Scott Pruitt stepped down under allegations that he had misused his public office. Wheeler won praise from President Trump for his work at the agency, and the president formally nominated him for administrator last month.

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**E&E News: Climate change lurks in background of humanitarian crisis**

<https://www.eenews.net/climatewire/2019/02/15/stories/1060121133>

**Jean Chemnick, E&E News reporter Published: Friday, February 15, 2019**

When stories are written about the Venezuelan crisis that has turned a tenth of the country's population into refugees, climate change isn't in the headlines.

But while global warming isn't in the foreground of the Venezuelan story, it may be part of the backdrop. That's because much of the country's last decade has been marked by a severe and persistent drought, an occurrence that scientists say will become more frequent due to warming. Venezuela has also lost four of its five glaciers since the 1990s.

Even many experts don't often talk about this part.

Several Washington, D.C., think tanks and the International Organization for Migration, an intergovernmental body that assists and advises on migration, had little to say about the role warming might have played in creating the humanitarian tragedy.

"We don't have information about this or studies," IOM replied to E&E News' inquiry.

They stressed instead the toll low oil prices have taken on Venezuela's petroleum-dependent, government-controlled economy, and they pointed to the gross mismanagement and corruption under Nicolás Maduro and Hugo Chávez before him. Last year's election was so badly compromised that the United States and its European and Latin American allies no longer recognize Maduro as Venezuela's legitimate president, and his once-wealthy country is careening toward failed-state status.

As the White House tweeted — and President Trump retweeted — on Jan. 30, "More than 3 million people have fled Venezuela since 2015. The United Nations estimates that number may swell to 5.3 million by the end of 2019." Those are U.N. numbers, and Venezuela's population is just over 30 million.

But aside from the political crisis, Venezuela got 50 to 65 percent less rainfall than the annual average from 2013 to 2016. That led to rationing of both water and electricity because Venezuela is heavily reliant on hydropower. A dry winter heading into 2016 led to low water levels at the Guri Dam in Bolívar, the nation's largest hydroelectric facility, and months of power shortages in Caracas and elsewhere. Maduro tried to cope with the outages through compulsory three-day weekends.

Piled on top of the devastating effects of Maduro's policies and declining global oil prices, these shortages helped to hamstring the Venezuelan economy, cut agricultural output and make the lives of ordinary people worse.

"Though much more research needs to be done to estimate how much of this humanitarian crisis has been exacerbated by the drought, what is obvious is that Venezuela's government's poor decision-making prior to, and in response to, water scarcity contributed significantly to millions of Venezuelans leaving their homeland in search of better lives in neighboring states," retired Lt. Cmdr. Oliver-Leighton Barrett, a senior research fellow at the Center for Climate and Security, wrote in a recent issue brief.

Venezuela illustrates that the relationship between climate change and instability isn't always straightforward.

Neighboring Brazil has also faced serious droughts in recent years; in his brief, Barrett suggests that water shortages in 2014 and 2015 might have "compounded dissatisfaction" with former President Dilma Rousseff prior to her 2015 impeachment. But Brazilians aren't fleeing their country as Venezuelans are.

When national security and defense agencies call climate change a "threat multiplier," this is what they mean, said Andrew Holland, chief operating officer of the American Security Project (*Climatewire*, Sept. 14, 2016).

"Climate change is never going to be the one thing that causes a war or that causes a government to fall or that drives migration, but it is a factor within that that makes all of the other factors more difficult," he said. "It makes other problems worse."

Holland blamed Maduro's many failures for the state of Venezuela's economy and for the fact it is hemorrhaging refugees — including his failure to adequately respond to drought.

"People are leaving because it's a failed state, but one of the symptoms of being a failed state is not being able to adapt to these changes in your environment," he said.

Venezuela's government hasn't added enough capacity to the electrical grid over the last two decades to allow it to cope with disruptions at its hydroelectric dams. Instead of using its fossil fuel resources to shore up its domestic supply, Holland noted, the state-owned oil and natural gas company wastes gas through flaring.

### **'Additional stress'**

So Venezuelan refugees are fleeing to Colombia, Brazil, Ecuador, Peru and the Caribbean, where they compete for local jobs and resources. Climate change plays a supporting role in that story, too.

"These individuals who are moving are placing additional stress on a very fragile system that has already become fragile because of climate change," said retired Capt. Steve Brock, a senior adviser at the Council on Strategic Risks.

Some areas of Colombia and Brazil where Venezuelans are taking refuge have also experienced drought, and the newcomers are adding to the demands on water resources. Dan Stothart, who works on regional humanitarian issues in Latin America and the Caribbean for the U.N. Environment Programme, posted last April on the website ReliefWeb that in Brazil's northernmost border state, refugees were contributing to the depletion of the water table.

The Caribbean is receiving fewer Venezuelan refugees, but its countries are also smaller and less able to absorb them. And many Caribbean nations are still recovering from the devastating 2017 hurricane season that sent their own citizens temporarily abroad.

"These are some of the most climate-stressed countries in the world because of the vulnerability to natural disasters," Holland said.

The influx of impoverished Venezuelans may also create environmental problems in the regions where they settle, or they may even contribute to climate change.

Roraima, the Brazilian state from which Stothart posted, is in the Brazilian Amazon. The region, referred to as the "lungs of the planet" for its role in sequestering carbon dioxide, has seen deforestation rebound recently. Brock said there was concern that migrants looking for work may turn to illegal logging or other environmentally destructive activities to make a living. Roraima is a hotbed for illegal mining, which contributes to dangerous mercury contamination.

Stothart wrote in April of "increasing reports of Venezuelan migrants and refugees being forced into this dangerous industry to survive."

But the current crisis in Venezuela could have a silver lining for the climate if Maduro is replaced by a new government with different views on international cooperation and climate change.

Venezuelan delegates to U.N. climate talks have long argued that the global north is to blame for warming and should pay damages. Meanwhile, the nationalized petroleum sector produces some of the world's dirtiest crude oil: A Stanford University study last year estimated it was on average six times more carbon-intensive than Saudi product.

Venezuela is not only climate-vulnerable. Recent years have also shown the dangers of relying on petroleum for more than a quarter of its gross domestic product, Brock said.

"A global transition away from fossil fuels would hit Venezuela as hard as any oil-exporting state in the world," he said.

But a new government might be more open to economic diversification and foreign assistance.

## **USA News Hub: EPA plan to rid drinking water from toxic chemicals sparks divisions in Washington**

<http://www.allusanewshub.com/2019/02/15/the-energy-202-epa-plan-to-rid-drinking-water-from-toxic-chemicals-sparks-divisions-in-washington/>

The Environmental Protection Agency is calling it “comprehensive” and “historic.” Congressional Democrats are calling it another sign of “complacency” on the part of Trump administration regulators.

The EPA’s long-awaited “action plan” on keeping a class of long-lasting chemicals out of Americans’ drinking water, unveiled Thursday, is already turning into another bone of contention in Washington.

It had the potential to be a rare area of bipartisan agreement: Members of both parties agree that more must be done to control contamination from perfluoroalkyl and polyfluoroalkyl compounds — also known as PFAS. It is widely accepted that these “forever chemicals” — they don’t break down naturally — are associated with plethora of health problems, including infertility and certain cancers, and need to be kept out of drinking water. But Democrats and activists say the government is not moving quickly enough.

The agency on Thursday said it was setting long- and short-term goals for controlling PFAS. “We’re protecting Americans’ drinking water, which is very important,” acting administrator Andrew Wheeler told ABC. “We need to make sure that every American regardless of Zip code has safe, reliable drinking water.”

One of those goals is to set a legal limit on the concentration of two of the most commonly detected chemicals, called PFOS and PFOA, that can appear in drinking water.

“I want to be crystal clear about this — our intent is to establish a [maximum contaminant level] for PFOA and PFOS,” David Ross, assistant administrator in the EPA’s water office, [told The Post’s Brady Dennis](#) and other reporters.

But critics, including Democrats in Congress and environmental activists in contaminated communities, say that scientists have ample evidence to set those limits because manufacturers have been using them for decades to make a long list of products, including perhaps most notably Teflon-coated cookware.

“It is unacceptable for the administration to drag its heels when it comes to the health and safety of our drinking water,” Sen. Michael Bennet (D-Colo.) said in a statement.

But the agency isn’t setting that limit just yet because, according to Ross, it wants to make sure any new rules will be defensible in court.

Many Democrats see that as a delay tactic. Their reaction to the “action plan” also belies a level of distrust that has developed between that party and the Trump administration for environmental regulation as the EPA and other departments move to rewrite Obama-era rules in often more industry-friendly ways.

“Andrew Wheeler’s EPA is punting on action to tackle a serious public health risk lurking in Americans’ drinking water,” Sen. Sheldon Whitehouse (D-R.I.) said Thursday. “Meanwhile, Wheeler is pushing as hard as humanly possible to roll back vital environmental protections he thinks stand between his polluter patrons and bigger profits.”

With Wheeler’s nomination to be the permanent EPA administrator soon to come up for a vote, senators such as Shelley Moore Capito (R-W.Va.) spoke to Wheeler directly about the issue several times.

This month, a bipartisan group of 20 senators sent the agency a letter pressing it to develop legal standards for PFOA and PFOS. Without a standard, several states are working on creating their own.

Now with a public response from the agency, Senate Republicans are expressing cautious optimism.

"It's encouraging to see the EPA taking action to address something that has proven to be a real problem in a number of communities across the country — including in West Virginia," Capito said. "Today's announcement is an important step in that direction, and I will remain actively engaged to push EPA to complete the process expeditiously and put that standard in place."

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[E&E News: Dem leaders fundraise, and profit, from fossil fuel industry](#)

<https://www.eenews.net/eedaily/2019/02/15/stories/1060121163>

**Corbin Hiar and [Niina Helkkinen](#), E&E News reporters**

**Published: Friday, February 15, 2019**

Progressive lawmakers are currently pushing a bold resolution on climate change that they hope will set a course for Democratic presidential candidates and legislative efforts after the 2020 elections.

Yet House Democratic leaders — with experience supporting doomed climate legislation and ties to the planet-warming fossil fuel industry — could seek to lower ambitions for the "Green New Deal," analysts say.

Speaker Nancy Pelosi (D-Calif.) and her top four lieutenants collectively took over \$790,000 from oil, gas and electric utility interests during the past two years, according to campaign finance data analyzed by the nonpartisan Center for Responsive Politics.

Individually or through their spouses, the leaders also have tens of thousands of dollars invested in a fossil-fuel-powered electric utility, a natural gas infrastructure company and several funds with significant fossil fuel assets, an E&E News review of federal disclosures found.

"Pelosi has a track record of pushing through pretty ambitious climate reforms," Matto Mildenberger, a political science professor at the University of California, Santa Barbara, said, referring to the "American Clean Energy and Security Act" that narrowly passed the House in 2009.

The bill from then-Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.) died in the Senate before it even came to a vote. Many pollsters believe the failed climate effort helped Pelosi and House Democrats lose their majority after the 2010 midterm elections.

"What I will say, though, about congressional representatives who have investments in natural gas or any type of fossil fuels, we do know from a number of political science studies that that does increase the probability that those legislators are responsive to the interest groups that are contributing [to them]," he said in a phone interview.

Mildenberger pointed to a [study](#) of congressional aides that he co-authored, published last year in the peer-reviewed *American Political Science Review* journal, that found about 45 percent of senior staffers acknowledged having "changed their opinion about legislation after a group gave their Member a campaign contribution."

For Pelosi — a fundraising heavyweight who brought in nearly \$6 million last election cycle for her campaign and leadership political action committee — the conventional energy industry had relatively little to offer: less than \$47,000, all but about \$5,000 of which came from electric utilities.

At the same time, however, Pelosi's husband has invested directly and indirectly in natural gas companies. The speaker's most recent financial disclosure report showed that in 2017, Paul Pelosi held more than \$1,000 worth of stock in Clean Energy Fuels Corp., which sells natural gas infrastructure and fuels, and had a partnership interest valued at more than \$15,000 in Odyssey Investment Partners LLC, a venture capital firm that's invested in Cross Country Pipeline Supply Co. Inc., an oil and gas business.

The investments of Paul Pelosi account for most of the speaker's fortune, which *Roll Call* estimated last year was worth at least \$16 million — more than the combined wealth of the rest of her leadership team.

A San Francisco financier and businessman, Paul Pelosi reportedly considers more than profits when he makes investment decisions.

"He's passed up a lot of big opportunities because he knew it might not look good for Nancy," Joe Cotchett, a California attorney and longtime friend of the Pelosis, told the *San Francisco Chronicle* in 2007, shortly before she first became speaker.

Yet with growing progressive concerns about the environmental impacts of natural gas, some of Paul Pelosi's past investments could soon attract unwanted attention.

"I think we're still at a stage in the U.S. energy transition right now where natural gas is being given a pretty free pass," Mildenberger said, noting that when burned, it produces less heat-trapping emissions than oil or coal.

"That's not going to be the case in 10 or 15 years when removing natural gas and managing gas infrastructure is going to be much more of a binding constraint on the U.S.'s ability to mitigate climate risks," he said.

"I could easily see something like Pelosi's natural gas investments as becoming a source of political friction," added the professor.

Nancy Pelosi's early actions on the "Green New Deal" have caused some consternation among progressives championing the platform to address climate change and economic woes.

They pushed Pelosi to create a select committee tasked with translating the lofty goals of the resolution into legislation. In addition to establishing universal jobs and housing guarantees, the manifesto also calls for "overhauling transportation systems in the United States to eliminate pollution" and meeting 100 percent of the nation's power demand "through clean, renewable, and zero-emission energy sources."

Instead, Pelosi created a committee with no legislative or subpoena authority and seemed to downplay the significance of the "Green New Deal" resolution.

"It will be one of several or maybe many suggestions that we receive," she said to *Politico* last week. "The green dream or whatever they call it, nobody knows what it is but they're for it, right?"

Asked to comment on Pelosi's fossil fuel ties and "Green New Deal" comments, her office sought to minimize the significance of the \$47,000 she raised from oil, gas and electric utilities.

When the \$129 million that *The Wall Street Journal* reported she raised for the Democratic Congressional Campaign Committee is factored in, that figure represents 0.03 percent of her fundraising haul, spokesman Drew Hammill noted.

Last year, the Democratic National Committee voted not to accept money from fossil fuel companies, but then quickly overturned donation restrictions on "fossil fuel workers" and "employers' political action committees" (*Greenwire*, Aug. 13, 2018).

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E&E News: Democrats see need for environmental justice bill  
<https://www.eenews.net/eedaily/2019/02/15/stories/1060121139>

Courtney Columbus, E&E News reporter

**Published: Friday, February 15, 2019**

House Natural Resources Chairman Raúl Grijalva yesterday said new environmental justice legislation is "essential."

The Arizona Democrat made the comments at a forum on cultural heritage and environmental justice hosted by the Natural Resources Committee majority and chaired by Rep. Don McEachin (D-Va.) to celebrate Black History Month.

Mustafa Ali, formerly a top environmental justice official at EPA, said "it's time for environmental justice legislation," among other steps.

Ali is now senior vice president of climate, environmental justice and community revitalization for the Hip Hop Caucus.

There is an "ongoing discussion right now with committee staff, with stakeholders in environmental justice, [to] talk about what this looks like," Grijalva responded.

"But at the end of the day, your point about codifying this into law is essential," he continued.

"Because even the executive orders were somewhat discretionary, given attitude or priorities of a given agency," he said. "If this is codified into law, then everybody's obligated or mandated, right?"

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E&E News: Bills target warming's health impacts, carbon removal  
<https://www.eenews.net/eedaily/2019/02/15/stories/1060121149>

Courtney Columbus, E&E News reporter

**Published: Friday, February 15, 2019**

Massachusetts Democratic Sen. Ed Markey and Pennsylvania Democratic Rep. Matt Cartwright introduced legislation yesterday to address the impacts of climate change on public health.

The bill, one of several climate measures to emerge this week, would mandate a National Strategic Action Plan and a program to "ensure the public health and health care systems are prepared for and can respond to the impacts of climate change on health in the United States and other nations."

The process of creating the plan and program would involve consultation with a variety of agencies, Indian tribes, and state and local governments.

"Climate change is impacting our air quality, depleting our waterways, and raising food and health care costs for Americans," Cartwright said in a statement. He is vice chairman of the Sustainable Energy and Environment Coalition.

"This bill is a necessary step towards protecting the health and well-being of families across the nation, especially those who live in our most vulnerable communities. I look forward to working with my colleagues to improve our nation's public health response to the disastrous effects of climate change," he added.

Separately, Markey introduced [S. 477](#) along with Rep. Debbie Dingell (D-Mich.). The legislation would authorize NOAA to create a climate change education program.

The legislation would authorize \$20 million in annual funding for the program from fiscal 2020 through 2025.

Several 2020 presidential candidates are co-sponsors of the measure, including Sens. Kamala Harris (D-Calif.), Elizabeth Warren (D-Mass.), Amy Klobuchar (D-Minn.) and Cory Booker (D-N.J.).

[H.R. 1166](#) by Reps. Scott Peters (D-Calif.) and David McKinley (R-W.Va.) would support technologies that remove and capture carbon from the air. Peters also introduced the bill during the last Congress.

"Congress must incentivize innovative approaches to solve America's — and the world's — most pressing energy challenges. The USE IT Act provides a step toward a clean energy economy by reducing emissions, diversifying our nation's energy resources, and spurring new technologies and uses for carbon," Peters said in a statement.

"It also offers a new approach to reducing carbon pollution: instead of releasing CO2 into the atmosphere, we can convert it into new uses," he said.

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### [NY Times: Skipping School to Save the Earth](#)

<https://www.nytimes.com/2019/02/14/world/europe/uk-climate-change-student-protest.html>

**[By Ceylan Yeginsu](#)**

LONDON — Thousands of young people in Britain are expected to abandon their classrooms and take to the streets on Friday to join a [growing movement](#) to protest the lack of action on climate change.

Inspired by a 16-year-old Swedish climate activist, [Greta Thunberg](#), who cut class on a weekly basis last year to stage sit-ins outside Sweden's Parliament, young climate campaigners are planning to walk out of British schools, colleges and universities across 40 towns and cities on Friday.

"I've always had a strong fascination with the environment, and I've always been aware of climate change and sustainable living, but when I saw thousands of kids around the world striking for the cause it inspired me to start my own," said Anna Taylor, 17, a co-founder of the [UK Student Climate Network](#), which is coordinating the strikes.

The global movement, known as the [Youth Strike 4 Climate](#), gained momentum last October following the publication of a [landmark report](#) from the United Nations' Intergovernmental Panel on Climate Change warning that humanity had just 12 years to avert the consequences of catastrophic climate change, with worsening food shortages, rising sea levels, floods and wildfires.

The content of the report shocked Ms. Thunberg and drove her to stake out Parliament to demand that politicians start to treat climate change as a crisis. Her demonstrations struck a chord with thousands of young people [from Australia](#) to Europe, who have periodically been ditching their classrooms to carry out similar protests.



Image

For Britain, this will be its first coordinated nationwide school strike on the issue. In addition to a demand that the government declare a state of emergency and communicate the severity of the threat to the public, the campaigners are calling to make climate change a priority in the national curriculum.

“We are taught a little bit about it at school, but nowhere near enough, and the severity of the situation is not addressed at all,” Ms. Taylor said in an interview.

“Youth voices are too often left out of the discussion when it comes to climate change,” said Jake Woodier, a member of the UK Youth Climate Coalition, a nonprofit youth organization that works to mobilize positive action on climate change.

“Our current trajectory is completely incompatible with a clean, safe environment not only for ourselves, but future generations as well.”

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#### The Hill: Court dismisses Dakota Access company's lawsuit against greens

<https://thehill.com/policy/energy-environment/430193-court-dismisses-dakota-access-companys-lawsuit-against-greens>

**By Timothy Cama**

A federal court late Thursday dismissed a lawsuit in which the company behind the Dakota Access Pipeline accused environmentalists of improperly trying to block the line's construction.

The District Court for the District of North Dakota ruled that Energy Transfer Partners hadn't sufficiently proven its claims that the actions of Greenpeace and individual activists constituted violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act.

The company filed the lawsuit in 2017, after months of high-profile protests by indigenous rights and environmental activists trying to block the oil pipeline's construction in North Dakota, near the Standing Rock Indian Reservation. The protests attracted international attention.

While then-President Obama delayed approving the final piece of Dakota Access, President Trump cleared it soon after taking office in January 2017.

Greenpeace cheered the dismissal.

"Justice has been served," Tom Wetterer, general counsel to Greenpeace USA, said in a statement.

"This is a huge victory not just for Greenpeace but for anyone and everyone who has ever stood up against powerful corporate interests," he said. "Today's decision to dismiss Energy Transfer's baseless lawsuit against Greenpeace and others sends a clear message to companies trying to muzzle civil society that corporate overreach will not be tolerated. It is also a check on corporate efforts to silence dissent."

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The Hill: We can have a green new deal, and travel too

<https://thehill.com/opinion/energy-environment/430196-we-can-have-a-green-new-deal-and-air-travel-too>

**By Mike Carr, opinion contributor — 02/15/19 12:30 PM EST**

Last week, Rep. Alexandria Ocasio-Cortez (D-N.Y.) and Sen. Ed Markey (D-Mass.) introduced their resolution laying out the principles and rationale for a Green New Deal. As I've argued before, this is an overdue step to reorient our economy away from mining our children's wealth and towards delivering true economic prosperity across the country.

Unsurprisingly, the same opponents who have fought change for the last 30 years seized on some communication missteps within a convoluted FAQ; once again, trying to characterize the transition away from wealth-destroying fossil fuels as the end of the world. Unfortunately, that has left us with a silly argument that the left wants to eliminate air travel.

As someone who's been working on climate-friendly technologies for almost two decades, as committee staff in Congress and later in the major clean energy R&D program of the Department of Energy (DOE), I can say it's entirely possible for airplanes to fly without fossil fuels. In fact, we can make a carbon-neutral transportation system that not only protects our future but makes our lives better today.

Obviously, the Green New Deal resolution itself does not ban air travel. What it does is tip to many of the policies that are key to repairing our creaky transportation system. Yes, we can save a lot of time, extra flight miles and congestion by replacing short trips between hub cities like Boston and New York with electrified high-speed rail.

In fact, I suspect this was actually what one of the garbled FAQs about "eliminating stops" was aimed at. Not only does this eliminate emissions from a lot of inefficient flights (takeoffs are particularly energy intensive), but it speeds up air travel across the board, as well as potentially restoring regular service to now underserved cities that have lost out in recent years.

It's also possible to improve shorter, specialty flights, such as to small regional airports, with hybrid electric planes. But batteries have to get much cheaper and much, much lighter before that will be more than a niche solution. The fact is, the energy density of liquid fuels is very difficult to match, which leads us to the most important and likeliest way to decarbonize aviation: Jet fuels derived from biomass.

The idea for renewable jet fuel has been an active area of research for the DOE. Last year yielded some of the most promising results so far, as DOE research partner LanzaTech provided their ethanol-derived jet fuel for a 747 test flight across the Atlantic. This fuel starts from ethanol, which can come from waste industrial gas or from carbon-removing biomass, which is then converted into a drop-in jet fuel.

Their cleaner burning fuel is currently certified to be blended up to 50 percent with existing jet fuel and can dramatically cut fossil carbon emissions in today's aircraft without any further advances. But, there's no technological barrier to getting to 100 percent. We already produce 15 billion gallons of ethanol in the United States, so with a committed research and policy push (unfortunately happening much more in Europe than in the U.S. at the moment) it is easy to see how we can keep our current aviation system without adding any more fossil carbon to the atmosphere.

This, and the related technologies for renewable fuel replacements for long-haul trucking and international shipping, were all shown as viable in a multi-lab study from DOE a few years ago. In their scenarios, renewable biofuels played an enormous role providing fuels beyond consumer vehicles — making our farmers key players in restoring our natural wealth while cleaning and protecting our air. Thus, delivering the inclusive prosperity — with a big role for rural America — demanded by the Green New Deal and voters.

LanzaTech and others see the technology roadmap ahead. The question we need to ask ourselves is if we want them to do this work in the U.S. or let it move overseas where people are more seriously committed. In the end, this is what a Green New Deal is actually about. It's about America doing what we all like to think it has always done — facing up to a real threat and leading the charge to address it. We have the technology, we just need the politicians to roll up their sleeves and get busy.

Like FDR's New Deal, the Green New Deal is not policy, or even a collection of policies, it's a commitment to sustained action and a framework for making sure the benefits of the clean energy transition come to every corner of the Country. No mangled FAQs or misspoken summaries will change this basic premise — because the alternative, continuing to let fossil fuel barons feather their nests with wealth stolen from our children — is unacceptable.

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[Ag Daily: New study reaffirms the environmental benefits of biofuels](#)

<https://www.agdaily.com/news/new-study-reaffirms-environmental-benefits/>

The growing body of research on the environmental benefits of the Renewable Fuels Standard (RFS2) just got bigger. A study released last week highlights some of these benefits including improved air quality and public health.

Since the enacting of the pro-biofuel policy in 2007, the use of biofuels in our transportation fuel supply has reduced greenhouse gas (GHG) emissions by 600 million metric tons. This is roughly equivalent to shutting down 154 coal-fired power plants or removing half of our nation's cars from the road for an entire year!

The Renewable Fuels Association contracted with Life Cycle Associates, a California-based scientific consulting firm, to update its 2014 GHG analysis to see how actual CO2 reductions match up with the expectations set by the Environmental Protection Agency. The use of biofuels—predominantly corn ethanol—reduced emissions far more than what the agency expected (422 million metric tons).

The report attributes the tremendous impact of biofuels on the following:

- Corn ethanol has adopted technology improvements, which results in GHG reductions far greater than the 20 percent reduction assumed by EPA.
- Petroleum GHG emissions are higher than the baseline project by the EPA.
- The mix of other renewable fuels has also contributed to additional GHG reductions even though cellulosic ethanol targets in the original rule have not been met.

This study underscores the reality that biofuels are getting cleaner while oil is getting dirtier. The deliberate development and adoption of energy-reducing, less-environmentally impactful technology has led to an increasingly sustainable biofuels industry focused on improvement. The trend is moving in the other direction for petroleum-based gasoline as more energy-intense, environmentally-damaging methods are used to extract oil resources once thought unreachable.

It is no time to shy away from the critical implications of this basic trend. By 2050 the number of passenger miles driven is predicted to increase by 20 percent, according to the U.S. Energy Information Administration's 2019 Annual Energy Outlook released last month. As less developed countries continue to modernize, populations grow, and vehicle miles increase, demand for fuel will increase dramatically. This study and others make obvious the impacts of displacing just a small portion of petroleum in our fuel — more room for biofuels, more room for impact.

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#### [National Law Review: EPA Unveils PFAS Action Plan](#)

<https://www.natlawreview.com/article/epa-unveils-pfas-action-plan>

**Friday, February 15, 2019**

On Valentine's Day, EPA showed a little love for per- and polyfluoroalkyl substances (PFAS), announcing a sweeping plan to address PFAS contamination and protect public health. PFAS are a group of man-made chemicals that have been gaining a lot of attention, as described in our 2019 outlook. EPA Acting Administrator Andrew Wheeler announced the [PFAS Action Plan](#) in a [press conference](#) yesterday, calling it "the most comprehensive, cross- agency action plan for a chemical of concern ever undertaken by the Agency." The Action Plan is 72 pages, but Acting Administrator Wheeler focused on five key elements, described below:

#### **1. Work Towards the Development of MCLs for PFOA and PFOS**

EPA will propose regulatory determinations for PFOA and PFOS—two of the most common PFAS compounds—by the end of 2019. These regulatory determinations are the first step under the Safe Drinking Water Act (SDWA) towards the development of Maximum Contaminant Levels (MCLs). EPA has not set a time frame for the actual development of the MCLs, instead citing to the timing and procedures required by the regulatory process (including public comment). While EPA committed to issuing regulatory determinations for these two specific compounds, it will continue to evaluate the need to follow this same process for other PFAS compounds.

#### **2. Continue PFAS Enforcement Efforts**

Despite the fact that EPA has not established an MCL for any of the PFAS compounds, it intends to continue enforcement efforts based on the current drinking water advisory of 70 parts per trillion. EPA has already brought eight

enforcement actions based on this advisory, and it is assisting state agencies in dozens of other enforcement actions based on state PFAS standards. EPA has also started the regulatory process towards classifying PFOA and PFOS as “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a listing that will allow EPA (and private parties) broader enforcement authority.

### **3. Expand PFAS Monitoring Efforts**

More data means better understanding, and EPA plans to make use of its authority to expand PFAS monitoring to help guide its decision-making process. EPA plans to propose that PFAS be included in the next round of monitoring under the Unregulated Contaminant Monitoring Program in the SDWA. EPA may also use the Toxic Substances Control Act to require reporting of certain PFAS releases and potentially prohibit the use of certain PFAS compounds.

### **4. Expand Scientific Research into PFAS Compounds**

EPA plans to use research efforts to “close the gap” on a number of PFAS issues, including:

- What are the human health and environmental effects?
- What are significant sources of PFAS in the environment?
- How do PFAS compounds move through the environment?
- How can we effectively remediate PFAS?
- What are the costs of PFAS remediation?

EPA plans to evaluate these issues not only for more common PFAS compounds like PFOA and PFOS, but also for emerging PFAS risks, such as GenX.

### **5. Develop PFAS Risk Communication Toolbox**

EPA will work with federal, state, tribal, and local partners to develop a comprehensive risk communication toolbox to ensure that PFAS messaging to the public is clear and consistent.

Because the Action Plan is just that—a plan—we will continue to track EPA’s progress. States continue to take a leading role in regulating PFAS, but the new EPA Action Plan now provides a road map for federal action.

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